

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

TIMOTHY JOSEPH JOST,

Petitioner,

v.

RICK THALER, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:09-CV-0274

**ORDER ADOPTING REPORT AND RECOMMENDATION,**  
**DENYING RESPONDENT'S MOTION TO DISMISS,**  
**and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS AS MOOT**

Petitioner has filed with this Court a petition for a writ of habeas corpus challenging a prison disciplinary proceeding. On December 30, 2009, respondent filed a motion to dismiss petitioner's habeas application as time barred. This case was held in abeyance until October 6, 2011. On October 7, 2011, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that respondent's motion to dismiss as time barred be denied, and that petitioner's habeas application be dismissed as moot. As of this date, no objections to the Report and Recommendation have been filed.

The undersigned United States District Judge has made an independent examination of the record in this case. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, respondent's motion to dismiss petitioner's habeas application as time barred is hereby DENIED, and the petition for a writ of habeas corpus filed by petitioner

TIMOTHY JOSEPH JOST is hereby DISMISSED as moot.

IT IS SO ORDERED.

ENTERED this 24<sup>th</sup> day of October 2011.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE